

### **REMARKS/ARGUMENTS**

The Final Office Action of March 14, 2008 has been carefully reviewed and these remarks and request for continued examination are Applicant's response thereto. Claims 19, 22-34, 36-41, and 45-51 are pending. Claims 1-18, 20-21, 35 and 42-44 were previously cancelled. Claims 19, 22-34, 36-37, 40, 45-47 and 52 are amended. Claims 19, 21-24, 28, 29, 34-39, 41 and 50-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,006,265 to Rangan *et al.* (Rangan) in view of Applicant's specification and in view of U.S. Patent No. 6,332,127 to Bandera *et al.* (Bandera). Claims 25-27, 30-33 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rangan in view of Applicant's specification in and in further view of Bandera and in further view of U.S. Patent No. 6,198,9335 to Saha *et al.* (Saha). In response, Applicant respectfully traverses the rejection in view of the remarks that follow.

### **Interview Summary**

Applicant's representative would like to express appreciate for the time taken by the Examiner to discuss this case. During an interview that took place on May 1, 2008 and a follow-up discussion that took place on May 13, 2008, the issue of the whether the cited references disclosed the use of both the digital broadcasting network and the mobile communication network as recited in the pending claims. No agreement was reached on the issue.

### **Amended Claims**

Claims 19, 22-34, 36-37, 40, 45-47 and 52 were amended and no new matter was added. Independent claims 19, 28 and 52 were amended to focus on the aspects of a mobile terminal. Independent claims 34 and 36 (as well as claim 28) were amended to clarify that the processor is configured to perform certain steps so as to avoid any suggestion that the claims are directed to both an apparatus and a method. The remaining independent claims were amended to correspond to the amendments to the independent claim.

### **Rejections under 35 U.S.C § 103(a)**

The pending claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 6,006,265 to Rangan *et al.* (Rangan) in view of U.S. Patent

No. 6,332,127 to Bandera *et al.* (Bandera) and in view of Applicant's disclosure, by themselves or in further combination with U.S. Patent No. 6,198,9335 to Saha *et al.* (Saha).

As previously noted, Applicant respectfully submits that the attempted use of Applicant's specification against Applicant is improper. Furthermore, the cited portion of the Summary of the Invention makes no admissions regarding what is known in the art that is helpful in rejecting the pending claims. For example, the statement that high speed Internet connections can support video streaming is not an admission of what was known at the time of filing. In short, the Examiner's attempted use of Applicant's specification is improper and it is respectfully submitted that such use should not be continued. If the Examiner feels that certain aspects of the disclosure were known, Applicant respectfully asserts that the Examiner should rely on independent support in the absence of express admission by Applicant.

In addition, the combination of references still fails to support a *prima facie* cause of obviousness. To the extent it can be considered proper to do so, which Applicant respectfully submits is not the case here, Applicant's specification can at most be used to show that at the time of filing it was known that 3G type data communication systems provider higher bandwidth and thus a 3G system might be suitable for functionality that requires high bandwidth. This knowledge in combination with the cited references, however, fails to support the rejection made.

For example, claim 19 recites two features, the combination of which is not disclosed in the cited references. One feature relates to providing video in the mobile terminal "wherein the video is received via the digital broadcasting network." The other feature is, in response to a selection of a link in the video being provided via the digital broadcasting network, "enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network." It appears that the Examiner believes it would be obvious to provide the links disclosed by Rangan over a 3G network (which is apparently being read as the digital broadcasting network), however there is no suggestion for using the feature "enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network" in conjunction with the disclosure provided in Rangan. This is because Rangan teaches to modify delivery over the digital broadcast network rather than use two

networks. *See* Rangan, col 19, ln. 58 – col 20, ln 14. Thus, the disclosure of Rangan suggests that when additional functionality is provided (such as, for example, functionality associated with an embedded link), the existing digital network is used and algorithms for managing the bandwidth of the existing network are developed. For example, Rangan discloses that when providing commercials, the commercials may be provided in a staggered manner to different individuals so as to minimize bandwidth requirements. Rangan, Col. 19, ln. 58 – Col. 20, ln. 14. Therefore, a person of skill in the art would at most have been motivated to manage the bandwidth of the 3G network and provide the related content associated with the link over the 3G network, as disclosed by Rangan. This is supported by the Applicant's disclosure, which notes that a 3G system may be used to communicate in a one-to-one manner (see specification as filed, pg. 10, ln. 9-11).

In contrast, claim 19 recites the features of two networks, as discussed above. One possible advantage of the system according to claim 19 is that it allows a one-to-many broadcast over the digital broadcast network that includes links embedded in the broadcast, where the one-to-many broadcast could potentially use most of the available bandwidth by providing video, while allowing the user to receive additional content via that telecommunication network, which can be a one-to-one connection that does not affect the bandwidth available on the digital broadcast network. As noted above, such a method is contrary to the disclosure provided by Rangan. The addition of Bandera does not help because there is no suggestion in any of the cited references for providing the recited functionality of providing the “enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network” while providing “video … via the digital broadcasting network.” Therefore, the rationale for why it would be obvious to provide the recited features based on the combination of Rangan and Bandera lacks support and is inconsistent with what is taught by Rangan. In other words, even if it could somehow be considered proper to use Applicant's specification and discoveries against Applicant –Applicant again submits such use is improper, the rationale for combining the references is incomplete as the combination fails to show all the features of claim 19.

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The other pending claims either depend from claim 19 or recites features similar to the features discussed above with respect to claim 19. Therefore, all pending claims are patentable for at least the reasons that claim 19 is patentable and for the additional features recited therein.

Accordingly, Applicant respectfully request withdrawal of this ground of rejection.

**CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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